

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GRANT ANDERSON,

Plaintiff,

vs.

Case No. 02-74217

CADER PUBLISHING. LTD.
and ROBERT DERDERIAN,

HON. AVERN COHN

Defendants.

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**ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATION
AND DISMISSING COMPLAINT WITHOUT PREJUDICE**

This is essentially a contract dispute. Plaintiff Grant Anderson, proceeding pro se, sued defendants Cader Publishing, Ltd. and Robert Derderian claiming (1) breach of contract, (2) fraud or misrepresentation, (3) unlawful conversion of funds, (4) negligence and gross negligence, (5) respondeat superior, and (6) copyright infringement.

The matter was referred to a magistrate judge for all pre-trial proceedings and before whom plaintiff filed a motion for summary judgment and defendants filed a cross-motion for summary judgment. The magistrate judge issued a report and recommendation (MJRR) recommending that defendants' motion for summary judgment be granted on count 6, that counts 2-5 be dismissed for failure to state a claim, and that count 1 be dismissed for lack of subject matter jurisdiction. Plaintiff objected. The Court adopted the MJRR and dismissed the case. See Order Adopting Report and Recommendation, filed April 5, 2004.

Plaintiff appealed. The Court of Appeals for the Sixth Circuit affirmed in part and

reversed in part. The Sixth Circuit held that plaintiff's copyright claim (count 6) was properly dismissed on summary judgment grounds, but said that because the Court had original jurisdiction over the claim, it had supplemental jurisdiction over plaintiff's state law claims, including count 1, and therefore remanded the case for consideration of whether to exercise or decline supplemental jurisdiction over plaintiff's state law claims under count 1 and counts 2-5. Anderson v. Cader Publishing, Ltd., Case No. 04-1579 (6th Cir. Oct. 5, 2005) (unpublished).

On remand, the Court referred the matter to the magistrate judge for further proceedings. On June 30, 2006, the magistrate judge issued a Supplemental MJRR recommending that the Court decline to exercise supplemental jurisdiction over plaintiff's state law claims.

Plaintiff has not objected to the Supplemental MJRR.

Accordingly, the Supplemental MJRR is ADOPTED as the findings and conclusions of the Court. Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

Dated: August 18, 2006

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, August 18, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160